

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

**LINDSEY ANTONIO WILSON,**

Plaintiff,

V.

UNNAMED,

**Defendant.**

**Civil Action No. 7:21cv00096**

## MEMORANDUM OPINION

By: **Hon. Thomas T. Cullen**  
**United States District Judge**

Plaintiff Lindsey Antonio Wilson, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983, against an unidentified defendant. Wilson seeks leave to proceed *in forma pauperis* with this action. Having reviewed Wilson’s request and complaint, the court grants his request to proceed *in forma pauperis* but concludes that Wilson fails to state a cognizable § 1983 claim. Accordingly, the court will dismiss the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).

Wilson alleges that on May 11, 2020, a “Danville news crew published in the newspaper and online” that Wilson “murdered a man on July 4, 2019.”<sup>1</sup> As relief, Wilson states that he “would like to sue for slander and defamation of character.”

To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state

1 According to online public state court records, although he was initially charged with second degree murder for an offense committed on July 4, 2019, Wilson pled guilty to voluntary manslaughter in the Danville Circuit Court on January 12, 2021 and is serving an active sentence of 5 years and 11 months. *See Commonwealth v. Wilson*, CR200001075-00, available at <http://ewsocis1.courts.state.va.us/CJISWeb/circuit.jsp> (last visited Mar. 23, 2021).

law. *West v. Atkins*, 487 U.S. 42 (1988). Wilson does not name a defendant and does not allege any conduct committed by a person acting under color of state law. Therefore, the court concludes that Wilson has failed to state a cognizable § 1983 claim and, thus, will dismiss the amended complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).

**ENTERED** this 24th day of March, 2021.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE